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Remarks

Applicant has amended claim 1 so that it incorporates the limitations of claim 9 which is dependent on claim 1.

The Rejection of the Claims

The Examiner has rejected claims 8, 9, 11, 14 and 15 under 35 U.S.C. 112, second paragraph as being indefinite. Applicant has canceled claims 8, 9 and 11. Applicant has in amended claim 1 which incorporates the limitations of claim 9 to remove therefrom "the spring axes". Applicant has amended claims 14 and 15 to remove therefrom "or the spring packs". Applicant submits that in view of the above, amended claims 1, 14 and 15 are no longer indefinite under the second paragraph of Section 112 and requests reconsideration of that rejection.

The Examiner has rejected claim 9 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,739,179 (Vogel et al.). In support thereof the Examiner says that while Vogel et al. do not disclose the four springs as called for in now canceled claim 9, it "would have been obvious to one of ordinary skill in the art to provide four springs ... in order to increase the sensitivity of the spring." The Examiner says this is a mere duplication of essential working parts of a device that involves only routine skill in the art.

Claim 1 as now amended calls for the four springs to be arranged with two above the sample body and two below the sample body such that axes of two opposite springs in each case run on a line, and the two lines which are produced by the four springs are approximately at right angles to one another.

Vogel et al. show one spring above the sample body and one spring below the sample body. The Examiner says that it is routine skill in the art to duplicate each of the springs to thereby increase the sensitivity of the spring. While that may well be so there is nothing in Vogel et al. or any of the other references cited by the Examiner that teaches, discloses or even suggests to one of ordinary skill in the art to arrange the four springs as taught and claimed by applicant in amended

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independent claim 1. Based on what is shown in Vogel et al. the only arrangement that one of ordinary skill in the art would realize in duplicating each spring is to have two springs in the device of Figs. 1 and 2 of Vogel et al. above the sensor and two springs below the sensor as there is nothing in Vogel et al. that shows an arrangement of the springs other than as shown in Figs. 1 and 2 or even suggests any other arrangement of the springs.

Further, the only teaching to arrange the four springs as is taught and claimed by applicant in amended claim 1 is in the present application. As is well known, it is hindsight reconstruction, which is prohibited, to use the applicant's own teaching against the applicant.

Reconsideration of the application in accordance with Rules 111 and 112 is requested.

Petition and Fee For Extension of Time

Applicant also includes herewith a Petition and Fee For Extension of Time asking that the period to respond to this Action be extended to six months from the date of the mailing of the Action viz., May 12, 2005. As is set forth in the Transmittal Letter to which this Amendment is attached the required fee is to be charged to Deposit Account No. 05-0877.

*****Signature And Certificate of Transmission By Facsimile Appear
On The Following Page*****

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Respectfully submitted,

Date: 5/12/05

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I hereby certify that this Non-Fee Amendment Under Rule 111 Transmitted By Facsimile of six (6) total pages excluding a cover sheet to the Examiner's Action dated November 12, 2004 is being transmitted by facsimile to Examiner Sy of Group Art Unit 3683 of the United States Patent and Trademark Office, Fax No. (703)872-9306 on May 12, 2005.

Typed or printed name of person signing this certificate:

Michael M. Rickin

Signature: Michael M. Rickin